

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 8, 2000

D032993 People v. Cooksey
The petition for rehearing is denied.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke
Deputy Clerk: D. E. Moore

D033687 Kaasab v. San Diego State University, et al.
Cause called on merits. Robert Tiangco, Esq. argued for appellant. Michael D. Stump, Deputy Attorney General argued for respondent. Mr. Tiangco replied for appellant. Cause submitted.

D033281 People v. Cruz
Cause called on merits. Russell S. Babcock, Esq. argued for appellant. Nancy Palmieri, Deputy Attorney General argued for respondent. Mr. Babcock replied for appellant. Cause submitted.

D033309 McBride v. Walters
Cause called on merits. Patrick L. McCrary, Esq. argued for appellant. Stephen Temko, Esq. argued for respondent. Mr. McCrary replied for appellant. Cause submitted.

D034080 People v. Medina

D034954 In re Medina on Habeas Corpus

Cause called on merits. Chuck Sevilla, Esq. argued for appellant. Steve Oetting, Deputy Attorney General argued for respondent. Mr. Sevilla replied for appellant. Cause submitted as to appeal only, D034080.

Court recessed at 10:15 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D033038 Hays v. IT Corporation, et al.

Cause called on merits. Kristine P. Nesthus, Esq. argued for appellant. Gene E. Royce, Esq. argued for respondent. Ms. Nesthus replied for appellant. Cause submitted.

Court recessed at 10:55 a.m. until 1:30 p.m.

D033591 DeBartolo v. National Fire Insurance Company of Hartford, et al.

The judgment is affirmed. Respondent shall recover its costs on appeal. McDonald, J.;
We Concur: Work, Acting P.J., Benke, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 8, 2000 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke
Deputy Clerk: D. E. Moore

**D033415 Williams v. Servpro of San Diego Southern California Regional Accounts
Management**

Cause called on merits. James F. Clapp, Esq. argued for appellant. John A. Magliore, Esq. argued for respondent. Cause submitted.

D032291 People v. Dinkins

Cause called on merits. Russell S. Babcock, Esq. argued for appellant. Jeffrey J. Koch, Deputy Attorney General argued for respondent. Mr. Babcock replied for appellant. Cause submitted.

**D031460 Kaufman and Broad of San Diego, Inc. v. Westlake Construction/Sam Coutts
Plastering**

Cause called on merits. No appearance by appellant/cross-respondent, Robert G. Bernstein, Esq. Timothy D. Lucas, Esq. was present in oral argument for respondent, Sam Coutts Plastering. Robert P. Mougin, Esq. was present in oral argument for respondent, Tomkins Industries. Both counsel submitted on the briefs. Cause submitted.

Court recessed at 2:08 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D031575 Mendoza v. Club Car, Inc.

Cause called on merits. Robert L. Kaufman, Esq. argued for appellant/cross respondent. Thomas Tosdal, Esq. argued for respondent/cross-appellant. Mr. Kaufman replied. Cause submitted.

D033592 Lasher v. Theofanous

Cause called on merits. Eileen Lasher, argued for appellant in pro per. Marcia Guy Orenstein, Esq. argued for respondent. Ms. Lasher replied. Cause submitted.

Court recessed at 3:10 p.m. until Tuesday, May 9, 2000 at 9:00 a.m.

D034456 In re Monique P., a Juvenile

The respondent's motion to dismiss the appeal as moot is granted. The appeal is dismissed.

D032212 People v. Wagner

The petition for rehearing is denied.

**D035177 Bridget K. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Haller, J.; We Concur: Work, Acting P.J., McIntyre, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 9, 2000

D030163 People v. Bonner

The convictions as to counts six and seven are reversed. In all other respects the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

D035253 Delia Y. v. Superior Court of San Diego/San Diego County Health and Human Services Agency

The petition is denied. Haller, J.; We Concur: Work, Acting P.J., McIntyre, J.

D033408 People v. Johnson

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D034589 People v. Pacheco

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D032701 Stickland v. San Diego Restaurant Management et al.

The postjudgment order is reversed with directions to the trial court to conduct appropriate further proceedings in accordance with the principles expressed in this opinion and to exercise its discretion anew, with appropriate findings, with respect to ruling on the motions to strike costs and the motion for an award of attorney fees. Each party shall bear its own costs on appeal.

D034561 In re Kashawna P., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D027012 Celiberti et al. v. Baxter Healthcare Corporation et al.

Judgment affirmed. Each party to bear its own costs. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

D032629 People v. Garrett

The petition for rehearing is denied. The request for publication of the opinion is denied.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Judith Haller
Deputy Clerk: D. E. Moore

D033118 Lopez v. Frank & Sons Paving, Inc., et al.

Cause called on merits. Frank De Santis, Esq. argued for appellant. Gregory D. Hagen, Esq. argued for respondent. Mr. De Santis replied for appellant. Cause submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 9, 2000 (Continued)

D031420 People v. Ramos

Cause called on merits. Robert L. Swain, Esq. argued for appellant. Steve Oetting, Deputy Attorney General argued for respondent. Mr. Swain replied for appellant. Cause submitted.

Court recessed at 9:40 a.m. until 10 a.m.

Court reconvened at 10 a.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D030076) Weis v. Mauro

D030268) Weis v. State of California

Cause called on merits. No appearance by appellant, Ms. Bullock. Christine Mersten, Deputy Attorney General argued for respondent. Peter Quon, Jr., Deputy Attorney General was present in oral argument, but did not argue. Cause submitted.

D033347 Fire Insurance Exchange v. Hammond

Cause called on merits. Jared Hanson, Esq. argued for appellant. Greg Kanoske, Esq. argued for respondent. Mr. Hanson replied for appellant. Cause submitted.

Court recessed at 10:43 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D032972) Maryland Casualty Company v. Nationwide Mutual Insurance Company

D033116) National Union Fire Insurance Company v. Nationwide Mutual Insurance Company

Cause called on merits. Lance Orloff, Esq. argued for appellant. Robert V. Closson, Esq. argued for respondent, Maryland Casualty Company. John H. Podesta, Esq. argued for respondent, National Union Fire Ins. Co. etc. Mr. Orloff replied. Cause submitted.

Court recessed at 11:16 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre
Deputy Clerk: D. E. Moore

D032067 People v. Hernandez

Cause called on merits. Gary E. Nelson, Esq. argued for appellant. Lisa Simons, Deputy Attorney General argued for respondent. Mr. Nelson replied for appellant. Cause submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 9, 2000 (Continued)

D031388 Bradshaw v. Price/Costco, Inc.

Cause called on merits. No appearance by appellant in pro per, Ms. Bradshaw. Steven L. Victor, Esq. was present for respondent, and submitted on the briefs. Cause submitted.

D032517 People v. McGann

D034548 In re McGann on Habeas Corpus

Cause called on merits. Jerome P. Wallingford, Esq. argued for appellant. Randall Einhorn, Deputy Attorney General argued for respondent. Mr. Wallingford replied for appellant. Cause submitted as to appeal only, D032517.

D034155 Bagley v. Cannon

Cause called on merits. George A. Foster, Esq. argued for appellant. Craig P. Fagan, Esq. argued for respondent. Cause submitted.

D033909 Cooper v. Westbrook Torrey Hills

Cause called on merits. William F. Woods, Esq. argued for appellant. Linda D. Fox, Esq. argued for respondent. Mr. Woods replied for appellant. Cause submitted.

Court recessed at 3:10 p.m. until Wednesday, May 10, 2000 at 9 a.m.

D033717 Conservatorship of Angelo

The judgment is affirmed. McDonald, J.; We Concur: Work, Acting P.J., Benke, J.

D035290 In re Eidson on Habeas Corpus

The petition is denied.

D032282 Vital Services Company, Inc. v. Mid-Century Insurance Company et al.

D032789 Vital Services Company, Inc. v. Municipal Court of San Diego County/Mid-Century Insurance Company et al.

(Consolidated) We reverse the order granting summary adjudication and direct the superior court to enter an order denying summary adjudication, reverse the order transferring the case to the municipal court, reverse the judgment of nonsuit and remand the case to the superior court for further proceedings consistent with this opinion. The petition for writ of mandate is dismissed. Appellant is entitled to costs on appeal and costs associated with the writ petition. McDonald, J.; We Concur: Work, Acting P.J., Benke, J.

D035568 Baumer v. Superior Court of San Diego County/People

The petition is denied.

D035572 Baumer v. Superior Court of San Diego County/People

The petition is denied.

D035584 Baumer v. Superior Court of San Diego County/People

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 9, 2000 (Continued)

D035534 People v. Superior Court of San Diego/Summers
The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 10, 2000

D034311 In re Nicholas T. a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Work, Acting P.J., Benke, J.

D032862 People v. Flores

Orders affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D031215 McBride-Newell, Inc., et al. v. The Good Guys-California Inc. et al./Law Offices of
Alexander M. Schack et al.**

The petition for rehearing is denied.

Court convened at 9:00 a.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices
Gilbert Nares and Terry O'Rourke

Deputy Clerk: D. E. Moore

D032980 In re Adam L., a Juvenile

Cause called on merits. Michelle Rogers, Esq. argued for appellant. Steve Oetting, Deputy Attorney
General argued for respondent. Ms. Rogers replied for appellant. Cause submitted.

D032694 Eppel v. Lucent Technologies, Inc.

Cause called on merits. Patrick D. Webb, Esq. argued for appellant. Wendy A. Woldt, Esq. argued for
respondent. Mr. Webb replied for appellant. Cause submitted.

Court recessed at 9:58 a.m. until 10 a.m.

Court reconvened at 10 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices
Richard Huffman and Terry O'Rourke

Deputy Clerk: D. E. Moore

D032324 Garcia v. International Cable Service, et al.

Cause called on merits. Randall L. Winet, Esq. argued for appellant/cross-respondent. Richard P.
Verlasky, Esq. argued for respondent/cross-appellant. Mr. Winet replied. Cause submitted.

Court recessed at 10:37 a.m. to change panel members. New panel members: The Honorable
Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and
Terry O'Rourke

D032187 Bolouki v. Regents of the University of California

Cause called on merits. Richard A. Higgins, Esq. argued for appellant. Richard A. Paul, Esq. argued for
respondent. Mr. Higgins replied for appellant. Cause submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 10, 2000 (Continued)

Court recessed at 10:57 a.m. to change panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D032454 Dimock v. Emerald Properties, et al.

Cause called on merits. Philip H. Dyson, Esq. argued for appellant. Lawrence J. Dreyfuss, Esq. argued for respondent, Commonwealth Trust Deed Services. Mr. Dreyfuss replied for appellant. Cause submitted.

Court recessed at 11:15 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Don Work and Alex McDonald
Deputy Clerk: D. E. Moore

D033246 In re Miguel M., a Juvenile

Cause called on merits. Nicholas DePento, Esq. argued for appellant. Anthony DaSilva, Deputy Attorney General argued for respondent. Mr. DePento replied for appellant. Cause submitted.

Court recessed at 1:45 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Don Work and Richard Huffman

D032176 People v. Maas

Cause called on merits. Robert W. Gehring, Esq. argued for appellant. Susan Miller, Deputy Attorney General argued for respondent. Mr. Gehring replied for appellant. Cause submitted.

Court recessed at 2:04 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

D029700 Shega v. Lewis D'Amato Brisbois & Bisgaard

Cause called on merits. Barry R. Levy, Esq. argued for appellant/cross-respondent, Gogo etc. David A. Niddrie, Esq. argued for respondent/cross-appellant, Shega. Mr. Levy replied for appellant/cross-respondent, Gogo. **As to the cross-appeal.** David Niddrie, Esq. argued for appellant/cross-respondent. James E. Friedhofer, Esq. argued for respondent/cross-appellant. Mr. Niddrie replied. Mr. Friedhofer replied. Cause submitted.

Court recessed at 3:20 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Don Work and Richard Huffman

D034497 In re Frank L., a Juvenile

Cause called on merits. Suzanne Evans, Esq. argued for appellant. Patrice Plattner-Granger, Deputy County Counsel argued for respondent. Robert W. Gehring, Esq. argued for the minor. Ms. Evans replied for appellant. Cause submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 10, 2000 (Continued)

Court recessed at 4:15 p.m. until Thursday, May 11, 2000 at 9:00 a.m.

D030557 People v. Dibernardo,

The petition for rehearing is denied. The opinion is modified. There is no change in judgment.

D034142 In re Jessica R., a Juvenile

Order affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., McIntyre, J.

D035567 Genzler v. Superior Court of San Diego County/People

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 11, 2000

D033778 People v. Carty

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D033743 People v. McClinton

The sentence is vacated and the case remanded to the superior court for resentencing. The trial court is directed to strike the serious/violent felony prior and to impose such sentence as it finds appropriate under the circumstances. In all other respects the judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D035351 Cummins v. Mission Foods Corporation

The motion to dismiss the appeal is granted. The request for sanctions is denied.

D025411 Pyle v. Keenan

The judgment is affirmed. Work, P.J.; We Concur: Kremer, P.J., McIntyre, J.

D032902 White v. Regents of University of California et al.

The judgments of dismissal and related orders are affirmed. Appellant White is to pay all costs on appeal. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D033608 Keenan v. Pyle/Satten

The order is affirmed. Work, J.; We Concur: Kremer, P.J., McIntyre, J.

D034750 People v. Lopez

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D035433 Khourassany v. Cardinal et al.

Pursuant to California Rules of Court, rule 10(c), the appeal filed April 6, 2000, is DISMISSED for appellants' failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

D035593 Martello v. McMillin Realty et al.

On the court's own motion, the Notice of Appeal filed on April 7, 2000 is bifurcated from case number D034194 and assigned Court of Appeal number D035593. Notice of Default was filed on April 19, 2000 by the superior court regarding designation of the record and on May 8, 2000 the superior court filed a Notice of Failure to Clear Default. Therefore, pursuant to California Rules of Court, rule 10(c), the appeal filed April 7, 2000, is DISMISSED for failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

D032828 Excelpro, Inc. v. Protein Technologies International, Inc.

D033332 Excelpro, Inc. v. Protein Technologies International, Inc.

The pending appeal, D032828, is consolidated with the pending appeal, D033332, for consideration and disposition.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 11, 2000 (Continued)

D032828 Excelpro, Inc. v. Protein Technologies International, Inc.

D033332 Excelpro, Inc. v. Protein Technologies International, Inc.

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D031870 Popovic v. Lakeside Union Schoold District et al.

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

Court convened at 9:00 a.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

Deputy Clerk: D. E. Moore

D033824 Bell v. Vista Unified School District

Cause called on merits. Robert P. Ottilie, Esq. argued for respondent. Daniel R. Shinoff, Esq. argued for respondent. Cause submitted

D032497 Cattedra v. Marincovich

Cause called on merits. Jerry D. Hemme, Esq. argued for appellant. M. Steven Andersen, Esq. argued for respondent. Mr. Hemme replied for appellant. Cause submitted.

D034062 Rodriguez v. Winicki

Cause called on merits. Anton Gerschler, Esq. argued for appellant. Brian Coffey, Esq. argued for respondent. Mr. Gerschler replied for appellant. Cause submitted.

D032540 Sylvina v. Salk Institute

Cause called on merits. Marcelle E. Mihaila, Esq. argued for appellant. Frank S. Moore, Esq. argued for respondent. Ms. Mihaila replied for appellant. Cause submitted.

Court recessed at 10:40 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

D034993 Hornung v. Superior Court

Matter called on merits. Rick Paul, Deputy Attorney General argued for petitioner. Matt Braner, Deputy Public Defender argued for real party in interest. Mr. Paul replied for petitioner. Matter submitted.

Court recessed at 11:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

Deputy Clerk: D. E. Moore

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 11, 2000 (Continued)

D032371 Lee v. Sukumar

Cause called on merits. Mary A. Lehman, Esq. argued for appellant. Craig Nicholas, Esq. argued for respondent. Ms. Lehman replied for appellant. Cause submitted.

D033115 Hawkes v. Sommer

Cause called on merits. Ervin Sommer, argued for appellant in pro per. Ira Sullivan, appellant in pro per was present in oral argument but did not argue. Gregory Y. Lievers, Esq. argued for respondent. Mr. Sommer replied for appellant in pro per. Cause submitted.

D032095 Nationwide Mutual Insurance Company v. Argonaut Insurance Company

Cause called on merits. Michael D. Compean, Esq. argued for appellant and cross-respondent. Mark R. Israel, Esq. argued for respondent and cross-appellant. Mr. Compean replied. Cause submitted.

D032769 Leisure Technology Corporation of Oceanside v. Franklin Reinforcing Steel Company, et al./Chilcote, Inc.

Cause called on merits. Michael Freeland, Esq. argued for appellant, Franklin Reinforcing Steel Company. Glen M. Rasmussen, Esq. argued for appellant, Chilcote, Inc. David B. Oberholtzer, Esq. argued for respondent, Leisure Technology. Mr. Freeland replied for appellant, Franklin Reinforcing Steel Company. Cause submitted.

Court recessed at 3:50 p.m. until Friday, May 12, 2000 at 9 a.m.

D032665 People v. Palmore

The concurrent two-year sentence for possession of stolen property is vacated and the matter is remanded to the trial court with directions to stay the sentence on count 12 pursuant to section 654. The trial court shall amend the abstract of judgment accordingly and forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. Haller, J.;
We Concur: Kremer, P.J., Benke, J.

D033725 In re Marriage of Calabrese

The orders appealed from are affirmed. Each party shall bear its own costs. Huffman, Acting P.J.;
We Concur: Haller, J., McDonald, J.

D027649 Harral v. Foster, Jr., et al.

Judgment affirmed. Respondents to recover their costs of appeal. Benke, Acting P.J.;
We Concur: Nares, J., Haller, J.

D035581 Shansby v. Superior Court of San Diego County/Frapwell

The petition is denied.

D035601 Bullard v. Superior Court of San Diego County/Colbert

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

May 12, 2000

D034655 People v. Achatz

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D034312 In re Angela M., a Juvenile

Judgment affirmed. Benke, J.; We Concur: Work, Acting P.J., McDonald, J.

D034254 In re Christina M., a Juvenile

Order affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, P.

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

Deputy Clerk: D. E. Moore

D031986 People v. Oldham

Cause called on merits. Rebecca P. Jones, Esq argued for appellant. Natasha Cortina, Deputy Attorney General argued for respondent. Ms. Jones replied for appellant. Cause submitted.

D034236 People v. Mitchell

Cause called on merits. Gary R. Nichols, Deputy Public Defender argued for appellant. Janelle Boustany, Deputy AttorneyGeneral argued for respondent. Cause submitted.

D033068 People v. Meranian

Cause called on merits. Daniel H. Clifford, Esq. argued for appellant. Michael Murphy, Deputy Attorney General argued for respondent. Cause submitted.

D033083 Moody v. Pedus Security Services, Inc.

Cause called on merits. Charles Moore, Esq. argued for appellant. Robert Kenneth Friedl, Esq. argued for respondent. Mr. Moore replied for appellant. Cause submitted.

Court recessed at 10:20 a.m. until 10:30 a.m.

Court reconvened at 10:30 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D035151 In re Mitchell on Habeas Corpus

Matter called on merits. Patricia J. Ulibarri, Esq. argued for petitioner. Laura Halgren, Deputy Attorney General argued for respondent. Ms. Ulibarri replied for petitioner. Matter submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 12, 2000 (Continued)

D034300 In re Denise L., et al., Juveniles

Cause called on merits. Patti Dikes, Esq. argued for appellant. Katherine Bird, Deputy County Counsel argued for respondent. Linda Fabian, Esq. argued for the minor. Ms. Dikes replied for appellant. Cause submitted.

Court recessed at 11:16 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Deputy Clerk: D. E. Moore

D034606 City of Oceanside v. Superior Court/MacDonald

Matter called on merits. Jodi Doucette, Deputy City Attorney argued for petitioner. Joshua D. Gruenberg, Esq. argued for real party in interest. Ms. Doucette replied for petitioner. Matter submitted.

D033987 J. Michael Jensen Boat Sales, Ltd. v. Krantz

Cause called on merits. Jack Herbert Swift, Esq. argued for appellant. A. Kendall Wood, Esq. argued for respondent. Mr. Swift replied for appellant. Cause submitted.

Court recessed at 2:24 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D033447 People v. Uribe

Cause called on merits. Beatrice C. Tillman, Esq. argued for appellant. David Delgado-Rucci, Deputy Attorney General argued for respondent. Ms. Tillman replied for appellant. Cause submitted.

D033478 People v. Mayer

Cause called on merits. Lynn G. McGinnis, Esq. argued for appellant. Crystal Bradley, Deputy Attorney General argued for respondent. Ms. McGinnis replied for appellant. Cause submitted.

D034004 Lawson v. City of Oceanside

Cause called on merits. Levelle Lawson, argued for appellant in pro per. Anita C. Willis, Deputy City Attorney argued for respondent. Mr. Lawson replied for appellant, in pro per. Cause submitted.

D033017 Evans v. Evans

Cause called on merits. George J. Schultz, Esq. argued for appellant. Robert H. Basie, Esq. argued for respondent. Mr. Basie replied for appellant. Cause submitted.

Court adjourned at 3:50 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 12, 2000 (Continued)

**D033415 Williams v. Servpro of San Diego Southern California Regional Accounts
Management/Hebdon et al.**

The postjudgment order awarding Williams attorney fees in the amount of \$6,500 is affirmed. The parties shall bear their own costs on appeal. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

D035606 Anderson v. San Diego County Superior Court/People

The petition is denied.

D035118 Fox v. Dorf et al.

The appeal is dismissed without prejudice as the order appealed from is not appealable. Appellant may raise the issues sought to be raised in D035118 should she appeal from the final judgment.